

ESTTA Tracking number: **ESTTA249856**

Filing date: **11/19/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91168862
Party	Defendant Bunte, Brady
Correspondence Address	Bruce B. Brunda STETINA BRUNDA GARRED & BRUCKER 75 Enterprise, Suite 250 Aliso Viejo, CA 92656 UNITED STATES BBrunda@stetinalaw.com
Submission	Motion to Amend Application
Filer's Name	Bruce B. Brunda
Filer's e-mail	opposition@stetinalaw.com
Signature	/Bruce B. Brunda/
Date	11/19/2008
Attachments	Request.Amendment.Application.78-551-176.pdf (3 pages)(75959 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the application of:

Brady Bunte

Mark: CABO NUTS

Opposition Title: Cabo Wabo LLC v. Brady Bunte

Opposition No.: 91168968, consolidated under 91168862

Serial No.: 78/551,176

Application Filing Date: January 20, 2005

REQUEST FOR AMENDMENT TO APPLICATION

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Trademark Trial and Appeal Board:

This Request for Amendment is filed with respect to Application Serial No. 78/551,176, registration of which has been opposed by Cabo Wabo LLC ("Opposer") in Opposition No. 91168968, consolidated under Opposition No. 91168862. Applicant requests this amendment pursuant to 37 C.F.R. § 2.133(a). Opposer has consented to this amendment.

Recitation of Goods. Applicant requests approval of the Board to amend as follows the goods for which Applicant seeks registration:

IC 029. US 046. G & S: nuts, namely, blanched, candied, and seasoned nuts; shelled, roasted or otherwise processed nuts; snack mix consisting primarily of processed fruits, processed nuts and/or raisins; all of the foregoing excluding tequila-flavored products

IC 030. US 046. G & S: chocolate covered nuts; snack mix consisting primarily of crackers, pretzels, candied nuts and/or popped popcorn; all of the foregoing excluding tequila-flavored products

IC 031. US 001 046. G & S: fresh nuts; raw nuts; and, unprocessed nuts; all of the foregoing excluding tequila-flavored products

Respectfully submitted,

Dated: November 18, 2008

By:



Bruce B. Brunda
Attorney for Applicant

Stetina Brunda Garred & Brucker
75 Enterprise, Suite 250
Aliso Viejo, CA 92656
Phone: 949.855.1246
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Opposer consents to this Amendment:

Dated: November 12, 2008

By:



Rosemary S. Tarlton
Attorney for Opposer

Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
Phone: 415.268.6810
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PROOF OF SERVICE

State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to the within action; my business address is 75 Enterprise, Suite 250, Aliso Viejo, California 92656. On **November 19, 2008**, the attached **REQUEST FOR AMENDMENT TO APPLICATION** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Rosemary S. Tarlton
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105

Executed on **November 19, 2008** at Aliso Viejo, California. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of STETINA BRUNDA GARRED & BRUCKER at whose direction service was made.



Tara Hamilton